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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/522,313	10/24/2005	Kenji Sakuda	Q85635	6902
72875 7590 09/23/2009 SUGHRUE MION, PLLC 2100 Pennsylvania Avenue, N.W. Washington, DC 20037				
EXAMINER YANG, QIAN				
ART UNIT		PAPER NUMBER		
2625				
NOTIFICATION DATE		DELIVERY MODE		
09/23/2009		ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

USPTO@sughrue.com
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Office Action Summary

Application No.

10/522,313

Applicant(s)

SAKUDA, KENJI

Examiner

QIAN YANG

Art Unit

2625

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 June, 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 9-12 and 16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 9-12 and 16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

1. Applicant's amendment filed on June 25, 2009 has been entered. The specification has been amended. No claims have been amended. No claims have been withdrawn. Claim 16 has been added. Claims 9-12 and 16 are still pending in this application, with claims 9 and 16 being independent.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 9, 10 and 16 are rejected under 35 U.S.C. 102(b) as being anticipated by Someno et al. (US Patent Application Publication 2002/0051179), hereinafter referred as Someno.

Regarding claim 9, Someno disclosed a host apparatus creating print data to be sent to a printer (a host and a printer system in Fig. 1), the host apparatus being characterized in that it comprises:

print instruction means for sending the print data to the printer and causing printing (paragraph 0041 – 0042); and

cancellation means for, in the event that a prescribed print cancellation condition exists (paragraph 0065, "a cancellation instruction designated by a user"), requesting cancellation of printing in units of pages at the printer such that printing continues until printing of a page currently being printed is completed (paragraph 0011 and 0073. When a cancellation is issued, transfer of packets to the printer is stopped, and a page ending command and job ending command would be transmitted to the printer. Therefore, printing continues until printing of a page currently being printed is completed).

Regarding claim 10 (depends on claim 9), Someno discloses the host apparatus wherein the prescribed print cancellation condition is:
whether a battery charge level of an internal battery has decreased to a preestablished prescribed value; or
whether a user has issued a printing interruption instruction (paragraph 0065); or
whether a battery charge level of an internal battery has decreased to a preestablished prescribed value and a user has issued a printing interruption instruction.

Regarding claim 16, Someno disclosed a host apparatus creating print data to be sent to a printer (Fig. 1), the host apparatus comprising:
print instruction means for sending the print data to the printer and causing printing at printer (paragraph 0041 – 0044); and
cancellation means for, in the event that a prescribed print cancellation condition exists

(paragraph 0065, "a cancellation instruction designated by a user"), issuing a page cancellation request to the printer wherein the page cancellation request instructs the printer to cancel printing of the printer in units of pages so as to continue printing of a page currently being printed until completion of the printing of the page (paragraph 0011 and 0073. When a cancellation is issued, transfer of packets to the printer is stopped, and a page ending command and job ending command would be transmitted to the printer. Therefore, printing continues until printing of a page currently being printed is completed).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 11 – 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Someno in view of Watanabe et al. (US Patent Application Publication 2002/0105669), hereinafter referred as Watanabe.

Regarding claim 11 (depends on claim 9), Someno fails to explicitly disclose the host apparatus further comprising

storage means for storing interruption location information obtained from the printer indicating a location at which printing was interrupted pursuant to the request for cancellation of printing;

wherein the prescribed print cancellation condition is whether a battery charge level of an internal battery has decreased to a preestablished prescribed value; and

the print instruction means, in the event that the battery charge level of the internal battery recovers to the extent that the prescribed value is exceeded, causes the interrupted printing to resume based on the stored interruption location information.

However, in a similar field of endeavor Watanabe discloses a printing system. In addition, Watanabe discloses the host (the camera) comprising

storage means for storing interruption location information obtained from the printer indicating a location at which printing was interrupted pursuant to the request for cancellation of printing (described in paragraph 0109, "the printing is halted and interrupt information with which where the printing has been performed can be identified is stored in the EEPROM 504 of the camera");

wherein the prescribed print cancellation condition is whether a battery charge level of an internal battery has decreased to a preestablished prescribed value (described in paragraph 0109); and

the print instruction means, in the event that the battery charge level of the internal battery recovers to the extent that the prescribed value is exceeded, causes the interrupted printing to resume based on the stored interruption location information (described in paragraph 0115-0116).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Someno, and store interruption location information obtained from the printer indicating a location at which printing was interrupted pursuant to the request for cancellation of printing, and in the event that the battery charge level of the internal battery recovers to the extent that the prescribed value is exceeded, causes the interrupted printing to resume based on the stored interruption location information, as taught by Watanabe. The motivation for doing this is that when the power supply is resumed, the remaining printing can be performed, as disclosed by Watanabe (paragraph 0115 – 0116).

Regarding claim 12 (depends on claim 9), Someno fails to explicitly disclose the host apparatus wherein:

the prescribed print cancellation condition is whether a battery charge level of an internal battery has decreased to a preestablished prescribed value; and the print instruction means, in the event that the battery charge level of the internal battery recovers to the extent that the prescribed value is exceeded, obtains, from the printer, interruption location information indicating a location at which printing was interrupted pursuant to the request for cancellation of printing, and causes the interrupted printing to resume based on this interruption location information. However, in a similar field of endeavor Watanabe discloses a printing system. In addition, Watanabe discloses the host (the camera) comprising

the prescribed print cancellation condition is whether a battery charge level of an internal battery has decreased to a preestablished prescribed value (described in paragraph 0109); and

the print instruction means, in the event that the battery charge level of the internal battery recovers to the extent that the prescribed value is exceeded, obtains, from the printer, interruption location information indicating a location at which printing was interrupted pursuant to the request for cancellation of printing, and causes the interrupted printing to resume based on this interruption location information (described in paragraph 0115-0116).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Someno, and store interruption location information obtained from the printer indicating a location at which printing was interrupted pursuant to the request for cancellation of printing, and in the event that the battery charge level of the internal battery recovers to the extent that the prescribed value is exceeded, causes the interrupted printing to resume based on the stored interruption location information, as taught by Watanabe. The motivation for doing this is that when the power supply is resumed, the remaining printing can be performed, as disclosed by Watanabe (paragraph 0115 – 0116).

Response to Arguments

6. Applicant's arguments filed June 25, 2009 have been fully considered but are moot in view of the new ground(s) of rejection.

7. Regarding objection to the specification. The objection is lifted because the abstract is amended.

8. Regarding 35 U.S.C. §103 rejections on claim 9, the Examiner found new reference of Someno which states the claimed limitations.

Conclusion

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to QIAN YANG whose telephone number is (571)270-7239. The examiner can normally be reached on Monday-Friday 8:00-16:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Benny Tieu can be reached on 5712727490. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO

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Customer Service Representative or access to the automated information system, call
800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/QIAN YANG/

Examiner, Art Unit 2625

/Benny Q Tieu/

Supervisory Patent Examiner, Art Unit 2625